

The application is for full planning permission for the extension and subdivision of the existing detached dwelling to provide 14 apartments. The existing coach house to the rear will be demolished as part of the proposal.

The application site, of approximately 0.2 hectare in extent, currently contains a large dwelling that occupies a spacious plot with a small coach house to the rear. The site is located within the Major urban area of Wolstanton, as indicated on the Local Development Framework Proposals Map.

The 13 week period for the determination of this application expired on the 10th June 2015.

RECOMMENDATION

Refuse for the following reasons;

1. Harm and loss to visually significant trees due to the scale and layout which would be contrary to policies H7 and N12 of the Local Plan
2. Lack of off street car parking provision which is likely to lead to highway danger from cars parking on the highway contrary to policy T16 and the NPPF.

Reason for Recommendation

In the context of your Officer's position that a robust 5 year supply of deliverable housing sites cannot be demonstrated there is a presumption in favour of the development unless any harm arising significantly and demonstrably outweighs the benefits. The benefits from this development include the provision of 14 dwellings which contributes to the supply of housing and bringing back into use a dwelling that is vacant and falling into disrepair. The proposed development due to its size and layout is likely to result in harm to and the loss of visually significant trees which would be detrimental to the character of the area and the street scene of Park Avenue contrary to policies H7 and N12 of the Local Plan. The level of off street car parking proposed is considered to be inadequate is also likely to lead to the increased potential for cars to park on the highway that could cause highway danger due to the suburban nature of the street. Such harm outweighs the benefits and as such the presumption in favour of this development does not apply.

Proposed Statement as to how the Local Planning Authority has worked with the applicant in a positive and proactive manner in dealing with this application

The application in its current form does not meet the objectives of the NPPF and despite a number of amended plans and supporting information being submitted the issues and concerns have not been overcome in order for a positive recommendation to be achieved.

KEY ISSUES

This application is for full planning permission for the extension and subdivision of the existing detached dwelling to provide 14 apartments. Amended plans have been received during the application to address concerns raised and this has resulted in the size of the extension being reduced and the coach house at the rear, which was to be converted to a dwelling, being demolished.

The site is located within a residential area of Wolstanton which is designated as a Policy H7 area, as indicated on the Local Development Framework Proposals Map.

Part of the site is covered by Tree Preservation Order No. 11

The design and appearance of the extension is considered to respect that of the existing dwelling and the established character of the area as stated by the Urban Vision Design Review Panel reported below. As such the key issues for consideration in the determination of this application are:-

- Principle of the development
- Design and impact on the policy H7 area
- The impact on protected trees
- Impact on highways safety
- Impact on residential amenity levels
- S106 obligation considerations, and
- Other matters

Principle of the development

Policy ASP5 of the CSS sets a requirement for 4,800 net additional dwellings in the urban area of Newcastle and Kidsgrove by 2026 and a target of 1000 dwellings within the urban south and east which includes Wolstanton. The CSS seeks to prioritise the use of previously developed land.

Policy H1 of the Local Plan indicates that permission for residential development will only be given where one of certain identified requirements are satisfied including that the site is within the urban area of Newcastle or Kidsgrove.

Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. It also states that relevant policies for the supply of housing cannot be considered up-to-date if the LPA cannot demonstrate a five-year supply of deliverable housing sites. At paragraph 14, the Framework also states that unless material considerations indicate otherwise where the development plan is absent, silent or relevant policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF at a whole.

This is considered to be a sustainable location for housing development being close to services and facilities which promotes choice by reason of its proximity to modes of travel other than the private motor car. The principle of 14 apartments is therefore considered acceptable and in accordance with the development plan and the NPPF.

The Local Planning Authority, however, in the opinion of your Officer, is currently unable to robustly demonstrate a five year supply of specific, deliverable housing sites (plus an additional buffer of 20%) as required by paragraph 47 of the Planning Policy Framework (NPPF) given that it does not have a full and objective assessment of need. As such the policies of the Development Plan, in as far as they relate to the location of dwellings, are to be considered out-of-date. Notwithstanding this, the starting point is one of a presumption in favour of residential development, unless adverse impacts of the development would significantly and demonstrably outweigh the benefits.

Design and impact on the policy H7 area

The area is primarily characterised by large dwellings set within spacious plots. The area that the site falls within is designated as a Policy H7 area which details that *"In areas shown on the Proposals map at ...Wolstanton, the Council will seek to preserve the unique character of the area, consisting mainly of large houses in extensive plots, and will not permit development that would be detrimental to the overall character of the area or that would result in the further sub-division of plots or the loss of, or adverse effect on, visually significant trees."*

In a post NPPF appeal decision made in December 2012 relating to a proposal at 212 Seabridge Lane (another area covered by H7) the Inspector indicated that he felt that he could attach considerable weight to policy H7 as it is consistent with the NPPF and in particular paragraph 53 which seeks to resist inappropriate development of residential gardens that have been identified as having special character, this being he noted the purpose of Policy H7.

The proposal has been amended during the determination of the application. Originally the Coach House at the rear of the main house was to be converted to an individual dwelling with the main house being extended and converted to form 14 apartments. Following comments from various parties during the application process to date the applicant is now proposing to demolish the Coach House and reduced the size of the proposed extension. This has resulted in the amount of built development being reduced which has allowed a greater level of soft landscaping.

Despite the reductions the proposed extension is still considered to represent a large development. However, it would not result in the subdivision of the plot.

Visually significant trees within the site, and in particular on the front and side boundaries, are an important feature of the site and the character of the area. The Council's Landscape Development Section has objected to the application due to the amended layout showing 11 of the existing 19 being removed which is a high proportion. Also they consider that insufficient information has been provided to demonstrate that the retained trees would not be affected by the scheme and could lead to further loss of retained trees.

The existing main house is in an advanced stage of disrepair and the scheme proposed would bring the house back into use whilst having a high specification of design. Notwithstanding these benefits concerns about the impact and loss of visually significant trees have not been satisfactorily addressed within the application. Therefore due to the potential loss of visually significant trees and the scale of the development it would be detrimental to the character of the area which would be contrary to policies H7 and N12 of the local plan and paragraph 53 of the NPPF.

Impact on highways safety

The amended layout shows the existing access point being altered. It also shows 17 car parking spaces primarily to the rear of the site. The proposal is for a one bedroom apartment and 13 two bedroom apartments. Policy T16 of the local plan details that a one bedroom unit should have one space and for a two bedroom property a maximum of two off street car parking spaces should be provided which in this instance amounts to 27 spaces. Therefore there would be a short fall of 10 spaces.

The Highways Authority has objected on the grounds of a short fall in parking and that the applicant should demonstrate that the site has good access to services and amenities including public transport. A parking survey is also requested following the reduction in off street car parking.

Your officers consider that the site is located in a sustainable location within walking distance of amenities and public transport modes. However whilst it is acknowledged that the local plan car parking standards are maximum levels it is considered that in this instance a short fall of 10 spaces has the potential to cause highway danger from cars being parked on the street which is a suburban residential street. The sustainable location of the site does not outweigh these concerns and the proposal would be contrary to policy T16 and the NPPF.

The impact on the residential amenity of the area

The proposed development would introduce two balconies at second floor level within the rear elevation which would face towards the rear elevations of properties on Woodland Avenue. The Council's Supplementary Planning Guidance – Space Around Dwelling (SPG) indicates that there is a requirement for a separation distance of 21m metres for properties of a similar height (plus an additional set back of 3 metres for each additional storey). The distance achieved in this instance is over 34 metres and so it is considered that no significant loss of residential amenity would be lost to neighbouring properties.

A number of principal windows are also proposed in the side elevation (south-west facing) which would face towards no.9 Park Avenue. The distance between the proposed windows and the side elevation of no. 9 would be 16.5 metres and no significant loss of amenity is likely to be caused. Landscaping and boundary treatment details could be conditioned to further mitigate against any impact also.

S106 obligation considerations – Public Open Space and Affordable Housing

The Borough Council's adopted supplementary guidance relating to affordable housing advises that on schemes within the urban area of 15 or more dwellings 25% of the dwellings will require to be affordable. This proposal is for 14 dwellings which would result in 13 additional units and therefore does not meet the threshold.

Given no on-site open space is being proposed the Landscape Development Section is requesting a financial contribution for off-site open space improvements in the order of £2943 per dwelling, equating to a total of £38259. This figure represents the net gain of 13 units. The contribution if secured would be proposed to be used for improvements to facilities at the site at Bradwell Lodge.

It is considered that the obligation requested is consistent with the provisions of the NPPF and meets the tests of the CIL regulations, as amended, which are that a planning obligation should be

- Necessary to make the development acceptable in planning terms
- Directly related to the development
- Fairly and reasonably related in scale and kind to the development

The applicant has agreed to pay this contribution but have requested that the capital improvement figure is paid 9 months following commencement of the development and the maintenance elements paid on occupation. The Council has accepted this approach previously and whilst not in strict accordance with policy could speed up the development.

The education authority has not requested a contribution in this instance due to their current policy being not to request a contribution from developments purely consisting of 1 or 2 bed apartments.

Impact on Ecology

Concerns were raised about the impact of the development on ecology. A Great Crested Newt Survey has been submitted which demonstrates that the site offers limited potential for GCN to be present. However, as a precaution a number of recommendations are proposed during the construction phase. For the avoidance of doubt it is considered that a note will be placed on any permission advising them of these recommendations.

In terms of the impacts on bats and birds the submitted report details that there are no bats roosting in the building and there are no birds nesting either. A number of recommendations are advised which would improve the ecology of the site and these can be incorporated into the design. A condition securing the advised mitigation measures is recommended and would be acceptable and in accordance with policy N3 of the local plan and the guidance and requirements of the NPPF.

Policies and Proposals in the approved Development Plan relevant to this decision:-

Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 (adopted 2009) (CSS)

Strategic Aim 2 (SA2)
Strategic Aim 4 (SA4)
Strategic Aim 10 (SA10)
Strategic Aim 16 (SA16)

Policy SP1: Spatial principles of Targeted Regeneration
Policy SP3: Spatial principles of Movement and Access
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP3: Sustainability and Climate Change
Policy CSP5: Open Space/Sport/Recreation
Policy CSP6: Affordable Housing
Policy CSP10: Planning Obligations

Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy H1: Residential development: Sustainable location and protection of the countryside
Policy H7: Protection of Areas of Special Character
Policy T16: Development - General Parking Requirements
Policy N3: Development and Nature Conservation – Protection and Enhancement Measures
Policy N4: Development and Nature Conservation – Use of Local Species
Policy N12: Development and the Protection of Trees
Policy N13: Felling and Pruning of Trees
Policy IM1: Provision of essential supporting infrastructure and community facilities.

Other material considerations include:

National Planning Policy Framework (March 2012)

Planning Practice Guidance (2014)

Supplementary Planning Guidance/Documents

Space Around Dwellings (July 2004)

Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010)

Waste Management and Recycling Planning Practice Guidance Note (January 2011)

Relevant Site and Planning History

14/00653/TWA Works to Trees Permitted

Views of Consultees

The **Highway Authority** recommends that the application should be refused due to the lack of off street car parking and the likely and potential highway problems caused by vehicles parking on the highway.

Staffordshire Police Crime Prevention Design Advisor (SPCPDA) have detailed that as the property is to be subdivided into a number of unique apartments particular attention should be paid to the private security of each individual unit. Design and security measures should be applied to windows and external doors to PAS 24 minimum security standards. Emergency exit procedures should comply with the requirements of a fire safety officer. Postal deliveries should not undermine access control and should be contained at a single point, via the use of postal boxes for example. The property will benefit from a high degree of capable guardianship derived from the normal daily use by occupants and visitors.

The **Education Authority** advises that no education contribution will be requested as it is not our current policy to request a contribution from developments purely consisting of 1 or 2 bed apartments.

The **Landscape Development Section** object to the application due to the current layout showing eleven of the existing nineteen site trees being removed which is a high proportion and of great concern. Also insufficient information has been provided to demonstrate that the retained trees would not be affected by the scheme and works necessary to achieve the proposed layout is likely to lead to further trees being seriously damaged or lost, including TPO trees.

They also seek a developer contribution for off-site Public Open Space improvements equating to £2943 per dwelling, therefore totalling in this instance £41,202, which would be directed towards Bradwell Lodge public open space.

The **Environmental Health Division** has no objections subject to conditions regarding contaminated land, design noise mitigation measures a, construction hours and waste storage and collection arrangements.

Severn Trent Water raises no objections subject to a condition that drainage plans are submitted and approved prior to development commencing.

The views of **Urban Vision Design Review Panel** were sought prior to the submission of the application. They considered that there were many positive aspects to the proposal including the preservation of trees around the perimeter of the site, the importance given to the street elevation, and the design of a single large building respecting the established character of the area. Concern was expressed about overlooking between the two storey rear extension and the converted coach house, and the relationship between the landscape and the car park and driveway. They considered that a better balance needs to be struck with much more emphasis to the landscape which would have great visual and amenity value for the occupiers.

The views of the **East Newcastle LAP** and the **Housing Strategy Section** have been sought, and as the date by which any comments were sought has passed they must be assumed to have no observations to make upon this application.

Representations

Twenty seven letters of representations and a 23 signatory petition has been received raising the following concerns which are summarised below:-

- The development would be out of character with the area and not in keeping with the existing building,
- The development represents over development of the site,
- There is insufficient practical parking arrangements,
- There are bats, birds and protected trees within the site,
- It would adversely affect mature trees,
- It would result in a loss of privacy,
- Its fundamental objective represents garden grabbing,
- The area should be designated as a conservation area,
- The existing sewage system could take the additional development,
- The proposal is contrary to policy H7,
- The statement of community involvement is fabricated,
- The existing road is in a poor state and the proposal would exacerbate the condition,
- Waste bins will have an adverse impact on the street scene,
- There is substandard amount of private amenity space,
- It would cause over shadowing of neighbouring properties,
- A significant shortfall in off street car parking is proposed,
- The proposed materials do not match the existing,
- There are no existing apartments on Park Avenue just single dwellings,
- No ecology report has been submitted,
- Planning Obligation should be entered into,

Applicant/agent's submission

The application is supported by the following documents:-

- Planning statement including Design Review panel comments
- Revised community statement
- Bat and Bird Survey
- Great Crested Newt Survey
- Coal Mining Report

Where relevant, reference is made to points made within these documents within the relevant sections of the key issues.

Amended plans have been received in light of consultation responses, officer concerns and representations received.

All of these documents are available for inspection at the Guildhall and at;

www.newcastle-staffs.gov.uk/planning/1500174OUT

Background Papers

Planning file
Planning documents referred to

Date report prepared

8th June 2015